

Motion Granted.

s/Donald C. Nugent, USDJ

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

GROENEVELD TRANSPORT  
EFFICIENCY, INC., *et al.*,

Plaintiffs,

v.

JAN EISSES,

Defendant.

) CASE NO. 1:07-CV-1298  
)  
) JUDGE DONALD C. NUGENT  
) MAGISTRATE JUDGE BAUGHMAN  
)  
) **PLAINTIFFS' MOTION FOR**  
) **LEAVE TO FILE A**  
) **MEMORANDUM IN OPPOSITION**  
) **TO DEFENDANT'S MOTION TO**  
) **DISMISS OR TO STAY ACTION,**  
) **UP TO AND INCLUDING AUGUST**  
) **6, 2007**

On July 2, 2007, Defendant Jan Eisses ("Mr. Eisses") filed a Motion for an Order Dismissing or Staying the instant case pursuant to Fed. R. Civ. P. 12(b). Plaintiffs Groeneveld Transport Efficiency, Inc., Groeneveld Atlantic South, Inc., and Groeneveld Pacific West, Inc. ("Plaintiffs") view Mr. Eisses' motion as a dispositive motion within the meaning of Local Rule 7.1(d) governing the time for filing memoranda in opposition to motions filed in this Court. Counsel for Plaintiffs has conferred with counsel for Mr. Eisses regarding this issue, and counsel for Mr. Eisses has consented to the representation in this motion that counsel for Mr. Eisses agrees that Mr. Eisses' Motion is dispositive within the meaning of Local Rule 7.1(d).

Accordingly, in an abundance of caution, Plaintiffs move the Court for leave to respond to Mr. Eisses' Motion to Dismiss or to Stay Action within the time prescribed for filing memoranda in opposition to dispositive motions, and for leave, on behalf of Mr. Eisses, for Mr. Eisses to file a reply memorandum within the time permitted to file a reply in support of a dispositive motion.

**CONCLUSION**

Based on the foregoing, Plaintiffs respectfully request the Court to enter an Order establishing August 6, 2007 as the date within which Plaintiffs are to file their memorandum in opposition to Mr. Eisses' Motion to Dismiss or to Stay Action, and establishing August 20, 2007 as the deadline for Mr. Eisses to file his reply memorandum in support of his Motion to Dismiss or to Stay Action.

Respectfully submitted,

/s/ Drew A. Carson

---

JAY R. FAEGES (0055492)  
DREW A. CARSON (0037641)  
DAVID A. KUNSELMAN (0073980)  
GOODMAN WEISS MILLER LLP  
100 Erieview Plaza, 27th Floor  
Cleveland, OH 44114-1882  
(ph.) 216-696-3366 • (fax) 216-363-5835  
[faeges@goodmanweissmiller.com](mailto:faeges@goodmanweissmiller.com)  
[carson@goodmanweissmiller.com](mailto:carson@goodmanweissmiller.com)  
[kunselman@goodmanweissmiller.com](mailto:kunselman@goodmanweissmiller.com)

***Counsel for Plaintiffs  
Groeneveld Transport Efficiency, Inc.,  
Groeneveld Pacific West, Inc.,  
and Groeneveld Atlantic South, Inc.***

**CERTIFICATE OF SERVICE**

I hereby certify that on July 16, 2007, a copy of the foregoing was filed electronically.  
Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.  
Parties may access this filing through the Court's system.

/s/ Drew A. Carson  
DREW A. CARSON (0037641)